

**In re: MARK DOTY.**  
**AWA Docket No. 00-0028.**  
**Decision and Order filed September 12, 2000.**

Frank Martin, Jr., for Complainant.  
Respondent, Pro se.  
*Decision and Order issued James W. Hunt, Administrative Law Judge.*

**Preliminary Statement**

This proceeding was instituted under the Animal Welfare Act ("Act"), as amended (7 U.S.C. § 2131 *et seq.*), by a Complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent violated the regulations issued thereunder (9 C.F.R. § 1.1 *et seq.*).

Copies of the Complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, were served upon respondent by the Hearing Clerk. Respondent was informed in the letter of service that an Answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation.

Respondent failed to file an Answer addressing the allegations contained in the complaint within the time prescribed in the Rules of Practice. Therefore, the material facts alleged in the Complaint, which are admitted by respondent's failure to file an Answer pursuant to the Rules of Practice, are adopted and set forth herein as Findings of Fact.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

**Findings of Fact**

1. Mark Doty, hereinafter referred to as respondent, is an individual doing business as Westarr Bio-Products, whose address is 1318 Hermes Court, San Diego, California 92154.
2. The respondent, at all times material hereto, was registered and operating as a research facility as defined in the Act and the regulations. On July 18, 2000, the respondent canceled his registration as a research facility under the Act and regulations.
3. Respondent violated section 2.36 of the regulations (9 C.F.R. § 2.36), by failing to file an annual report as required.

### **Conclusions**

1. The Secretary has jurisdiction in this matter.
2. By reason of the facts set forth in the Findings of Fact above, the respondent has violated the regulations promulgated under the Act.
3. The following Order is authorized by the Act and warranted under the circumstances.

### **Order**

1. Respondent, his agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the regulations, and in particular, shall cease and desist from failing to file reports required under the regulations.

2. Respondent is assessed a civil penalty of \$1,000, which shall be paid by a certified check or money order made payable to the Treasurer of United States.

3. The respondent is disqualified for a period of thirty (30) days from becoming registered as a research facility under the Act and regulations, and continuing thereafter until he demonstrates to the Animal and Plant Health Inspection Service (APHIS) that he is in full compliance with the Act, the regulations and standards issued thereunder and this order, including payment of the civil penalty imposed herein.

The provisions of this Order shall become effective on the first day after service of this decision on the respondent. Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in sections 1.142 and 1.145 of the Rules of Practice, 7 C.F.R. §§ 1.142 and 1.145.

Copies of this decision shall be served upon the parties.

[This Decision and Order became final October 25, 2000.-Editor]

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